IN THE HIGH COURT OF UTTARANCHAL IN NAINITAL

Appeal from Order No.443 of 2005

Kamal Jeet Singh
S/o Sri Prem Singh Chauhan
R/o Khatima, Tehsil Khatima,
District Udham Singh Nagar

...Appellant

Vs

Priyanka Chauhan D/o Sri Ved Prakash,
W/o Kamal Jeet Singh Chauhan R/o Khatima,
District Udham Singh Nagar

... Respondents

Dated: July 18, 2006

Sri R.S. Sammal, Advocate, learned counsel for the appellant
Sri H.M. Bhatia, learned counsel for the Respondent No.1

Hon'ble P.C. Verma, J.
Hon'ble B.S. Verma, J.

The appellant- Sri Kamal Jeet Singh Chauhan and Respondent No.2- Smt. Priyanka Chauhan in the appeal were married in the year 2000 and from this wedlock a child was born whose nick name is Luv and school name is Hardik and who is aged about 5¼ years. After some time of the marriage, some differences arose between the wife- Respondent No.2 and the husband-appellant and thereafter the appellant filed a suit for divorce which is pending in the Family Court, Udham Singh Nagar. Against the order dated 8.9.2005, this appeal has been filed by the appellant. We issue notices to the parties requiring to them to appear before this Court to make an attempt for settlement of the dispute between the wife and the husband so that the life of both of them may be smooth and lively.

The appellant Sri Kamal Jeet Singh Chauhan is identified by Sri R.S. Sammal, Advocate and Respondent No.1 Smt. Priyanka Chauhan is identified by

Sri H.M. Bhatia, Advocate. Both the parties have come to the terms of compromise on the following terms: -

1. That Respondent No.1/wife Smt. Priyanka Chauhan shall manage the half of the agricultural holdings and shall receive the entire income from the said half of the agricultural land held by the appellant Sri Kamaljeet Singh Chauhan.

2. Both the parties have further agreed that the son Master Hardik alias Luv will live with the mother and the appellant Sri Kamal Jeet Singh Chauhan shall visit whenever he desires to see the child and to live with the child at the place of residence of Smt. Priyanka Chauhan- Respondent No.1. This meeting may give a positive result that the wife and husband may live together on account of love and affection of the child.

3. That the 50% share in the agriculture holdings as on today shall be demarcated for Smt. Priyanka Chauhan by the S.D.M. Khatima and Smt. Priyanka Chauhan shall be put in possession thereof to manage the property and this property shall remain with Smt. Priyanka Chauhan till her whole life.

4. The husband namely Sri Kamal Jeet Singh Chauhan is ready to meet all the expenses in bringing up the child including his education. Further, the care/bringing up and education of the child shall be taken care/done by Smt. Priyanka Chauhan in future.

5. That an account in the name of Master Hardik alias Luv shall be opened and a sum of Rs.3,000/- every month (Rupees three thousand only) shall be deposited by the appellant in the said account. The said account shall be operated jointly by the appellant – Sri Kamal Jeet Singh Chauhan and the Respondent No.1- Smt. Priyanka Chauhan.

6. That the appellant – Sri Kamal Jeet Singh Chauhan shall provide two rooms independently to Smt. Priyanka Chauhan on a rented house and the rent shall be paid by the husband- Sri Kamal Jeet Singh Chauhan.

7. The wife – Smt. Priyanka Chauhan agree that whenever the husband Sri Kamal Jeet Singh Chauhan desires to stay there with the child or with her, she will have no objection. However, it is made clear that the appellant – Sri Kamal Jeet Singh Chauhan shall meet his son only at the residence of Smt. Priyanka Chauhan.

Both the parties have put in their signatures on the order sheet which is verified by their respective counsel. All the cases and matrimonial disputes between the parties pending in the lower courts and the order impugned passed by the Family Court, Udham Singh Nagar now stands disposed of finally in terms of the aforesaid compromise and other orders are also set aside accordingly.

With the aforesaid terms of the compromise between the parties, the appeal stands disposed of finally.

(B.S. Verma, J.) **(P.C. Verma, J.)**

Rajeev Dang